



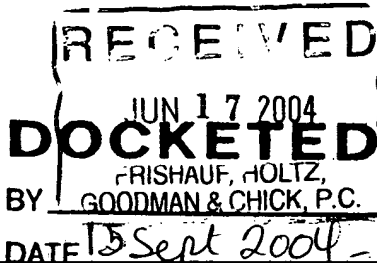
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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 06/15/2004
Frishauf Holtz Goodman Langer & Chick P C
767 Third Avenue
New York, NY 10017-2023



EXAMINER	
NGUYEN, KIMBINH T	
ART UNIT	PAPER NUMBER

2671
DATE MAILED: 06/15/2004

7
5281-3P/CIP2 (TV)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,307	06/27/2000	Stephen James Crampton	990401CIP2/TL	5454

TITLE OF INVENTION: METHOD AND APPARATUS FOR THE GENERATION OF COMPUTER GRAPHIC REPRESENTATIONS OF INDIVIDUALS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	09/15/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHT. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPO PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THE STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

- ☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is the patentee's responsibility to ensure timely payment of maintenance fees when due.

PO 53330US01



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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 724 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 724 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

09/604,307

Examiner

Kimbinh T. Nguyen

Applicant(s)

CRAMPTON, STEPHEN JAMES

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 5/19/04.
2. ☒ The allowed claim(s) is/are 1-16,18,19,21,22,26,27,29-47,49,50,52,56-62,69-72,89,92,93,95,97-148,153-157,159 and 160.
3. ☒ The drawings filed on 27 June 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 7.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is responsive to amendment filed 5/19/04.
2. Claims 1-16, 18, 19, 21, 22, 26, 27, 29-47, 49, 50, 52, 56-62, 69-71, 87, 89, 92, 93, 95, 97-148, 153-157, 159 and 160 are pending in the application.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Langer on 6/10/04.

The application has been amended as follows: In the Specification, beginning of line 5, before "is a continuation-in-part", insert **--has been abandoned and which--**

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

Claims 1 and 160, the prior art does not teach an apparatus for generating models of individuals in different poses, comprising: generating the surface of a person in poses in accordance with pose instructions identifying the orientation of a model's limb in a pose; determining the orientations of an individual's limb in a pose adopted by an individual in the data obtained by the input means; comparing the obtained data and

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generated data of the model in a pose in which the model's limbs are oriented in accordance with the orientations, and utilizing the comparison to generate the individual in different poses. These features are able to generate complete body models by identifying the orientation of an individual's limbs in an image and generating a generic model with limbs positions in accordance with orientations. These features also are distinct with the prior art Akiomoto which provides a system of generating a 3D facial model of a specific person using generic head model and two images. For these reasons, claim 1 is allowed over the prior art.

Claims 39 and 62 comprise the claimed elements same as claim 1 and is allowed under the same reasons set forth in claim 1.

Claims 87 and 89, the prior art does not teach paying for the generation of the model; capturing and generating image data; dispensing a password; transferring data of the computer model to a computer apparatus on the basis of receipt of the password.

Claim 92, the prior art does not teach an apparatus for obtaining image data of an individual with the booth in four orthogonal poses; obtaining outlines of an individuals from the image data; processing the outlines and stored generic model of an individual to generate a computer model of the individual; texture rendering the generated computer model using the image data.

Claim 95, the prior art does not teach obtaining image data of an individual seated in a wheelchair; generating a computer model of an individual seated in a wheelchair on the basis of the image data.

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Claims 97 and 122, the prior art does not teach obtaining image data of an individual wearing clothing, wherein at least some of the surface of the individual is not covered by clothing; and generating a computer model of the individual not covered by clothing to generate a model the portion of the body and the stored computer model to generate a model of the portion of the individual covered by clothing.

Claims 103 and 127, the prior art does not teach a method of generating data indicative of the manner in which an item of clothing alters the appearance of an individual comprising: storing a mannequin in the absence of clothing; obtaining image data of the mannequin wearing an item of clothing; generating a computer model of the mannequin wearing the item of clothing utilising the image data; generating data indicative of clothing alters the appearance of data on the basis of a determination of the differences between the stored model and generated model.

Claims 114 and 140, the prior art does not teach a method of generating a model of an individual wearing a selected item of clothing comprising: obtaining a model of an individual in the absence of clothing; obtaining image data of clothing alter the appearance of an individual; generating data wearing the selected item of clothing utilising the computer model and the obtained data for the selected item of clothing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (703) 305-9683. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 10, 2004



Kimbinh Nguyen

Patent Examiner AU 2671